

Copyright  
by  
Eva Lorraine Molina  
2014

**The Report Committee for Eva Lorraine Molina  
Certifies that this is the approved version of the following report:**

**Texas 1033: A look inside the federal program giving millions in excess  
military supplies to Texas law enforcement agencies at taxpayer expense**

**APPROVED BY  
SUPERVISING COMMITTEE:**

**Supervisor:**

---

Homero Gil de Zúñiga

---

Ed Timms

**Texas 1033: A look inside the federal program giving millions in excess  
military supplies to Texas law enforcement agencies at taxpayer expense**

**by**

**Eva Lorraine Molina, B.A.**

**Report**

Presented to the Faculty of the Graduate School of

The University of Texas at Austin

in Partial Fulfillment

of the Requirements

for the Degree of

**Master of Arts**

**The University of Texas at Austin**

**May 2014**

## **Dedication**

To my father, my everything.

## **Acknowledgements**

I'd like to acknowledge all of the people who contributed to my academic and personal achievements over the past few years.

First, I want to thank Professor Homero Gil de Zúñiga and Ed Timms for their guidance and help throughout this project. I also want to thank all of the professors, teaching assistants and editors who taught me the skills I used to complete this report.

To Professor Tracy Dalhby, Professor Rusty Todd and the Reporting Texas team, I'm so glad I got the opportunity to contribute to the publication. It was the most gratifying experience I had in the Master's program. Thank you for helping me become a better journalist.

I want to acknowledge my late uncle George O. Gonzalez for stressing the importance of writing fundamentals and inspiring me to pursue a career in journalism.

I also want to thank Theresa Laizer, Alyssa Cordova and Joaquin Jasso for recommending me to the journalism program. From the bottom of my heart, thank you for having faith in me.

To my family and friends, thank you for reading my stories and offering words of encouragement. I especially want to thank Albert Garza for his continued love and support. To my friend Victor Escamilla, thank you for keeping me in your prayers.

To my father, thank you for teaching me the value of hard work, and to Omar, I couldn't have done any of this without you. Lastly, I want to thank my Lord and Savior Jesus Christ for blessing me so abundantly.

May 2014

## **Abstract**

### **Texas 1033: A look inside the federal program giving millions in excess military supplies to Texas law enforcement agencies at taxpayer expense**

Eva Lorraine Molina, MA

The University of Texas at Austin, 2014

Supervisor: Homero Gil de Zúñiga

This report is a fact-based, data-driven journalistic presentation of how the 1033 military surplus program operates in Texas. The program transfers excess U.S. Department of Defense supplies to federal, state and local law enforcement at little to no cost to the agencies. Congress created the surplus program in the 1990s to repurpose taxpayer-bought equipment. Supplies available to agencies range from clothes to electronics to weapons and armored vehicles. Initially, only agencies with an anti-drug and counterterrorism mission participated. After 9/11 and the War on Terror, the equipment surplus grew, and the program expanded. Today, the 1033 is a multi-billion dollar surplus program that has transferred an estimated \$4.2 billion worth of equipment to more than 13,000 law enforcement agencies throughout the country. In Texas, more than 700 agencies are currently participating in the program. They have received \$181.99 million in equipment between 2006 and 2013. An in-depth look into the 1033 program—

specifically in Texas—found that it lacks adequate oversight at both the federal and state levels and has suffered from abuse. Some of the program's critics say its mass distribution of weapons and armored vehicles contributes to police militarization. The content in this report was produced using information gathered from federal and state documents, various publications, news reports and numerous interviews. The tables, figures, illustrations and story show the types of military supplies available through the program, how many items Texas agencies have received, how much it costs and how some local police departments are using the program.

## Table of Contents

List of Tables .....	ix
List of Figures .....	x
List of Illustrations .....	xi
Chapter 1: 1033 program overview .....	1
What's the 1033 program? .....	1
What you'll find in this report: .....	2
Chapter 2: What supplies are available? .....	3
Types of property available to law enforcement agencies through the 1033 program .....	3
Chapter 3: How many items have been given? .....	4
Chapter 4: More on controlled property .....	5
Chapter 5: Who's participating? .....	6
Chapter 6: How about federal agencies? .....	7
Chapter 7: How much did it all cost? .....	10
Chapter 8: Map .....	12
Chapter 9: Story: How the program's being used .....	14
Federal program gives millions in military supplies to Texas police, lax oversight raises concerns .....	14
Vita .....	26



## **List of Tables**

Table 2-1:	Types of property available to law enforcement agencies through the 1033 program .....	3
Table 4-1:	By the numbers: controlled equipment given to Texas law enforcement agencies, 2006-2013 .....	5
Table 6-1:	Total value of consumable items given to federal law enforcement agencies through the 1033 program, 2006-2013 (1-10).....	9
Table 6-2:	Total value of consumable items given to federal law enforcement agencies through the 1033 program, 2006-2013 (11-20).....	10
Table 6-3:	Total value of consumable items given to federal law enforcement agencies through the 1033 program, 2006-2013 (21-22).....	11
Table 9-1:	Texas 1033: The agencies that received the most property ranked by dollar amount, 2006-2013 .....	16

## **List of Figures**

Figure 3-1: Equipment given to Texas law enforcement agencies through the 1033 program, 2006-2013 .....	4
Figure 7-1: Amount of equipment given to Texas law enforcement agencies, 2006-2013 (in millions): Controlled items .....	7
Figure 7-2: Amount of equipment given to Texas law enforcement agencies, 2006-2013 (in millions): Consumable items .....	8

## **List of Illustrations**

Illustration 8-1: Map: Total amount of supplies received by county, 2006-2013 (in dollars) .....	13
--	----

## **Chapter 1: 1033 program overview**

### **WHAT'S THE 1033 PROGRAM?**

The 1033 program transfers excess military supplies to federal, state and local law enforcement at little to no cost to the agencies.

Congress created the surplus program in the 1990s to repurpose taxpayer-bought equipment. Initially, supplies were only given to agencies with an anti-drug and counterterrorism mission.

After 9/11 and the War on Terror, the equipment surplus grew and the program expanded. As the amount of military property sitting unused in warehouses grew, more agencies became eligible to participate in the program.

Now, any department with at least one sworn officer can participate. Supplies available to agencies range from clothes to electronics to weapons and armored vehicles. Many of the items are used, but some are brand new.

Today, the 1033 is a multi-billion dollar surplus program that has transferred about \$4.2 billion worth of equipment to more than 13,000 law enforcement agencies throughout the country. In Texas, more than 700 agencies are currently participating in the program. They have received \$181.99 million in equipment between 2006 and 2013.

A closer look into the 1033 program—specifically in Texas—found that it lacks adequate oversight at both the federal and state levels and has suffered from abuse. Some of the program's critics say its mass distribution of weapons and armored vehicles contributes to police militarization.

**What you'll find in this report:**

A fact-based, data-driven presentation of how the 1033 program operates in Texas. The content in this report was produced using information gathered from federal and state documents, various publications, news reports and numerous interviews.

As you read through the various chapters, you'll find tables, figures, illustrations and a story that shows the types of military supplies available through the program, how many items Texas agencies have received, how much it costs and how some local police departments are using the program.

This is a reformatted version of the original report which is hosted on its own Web site. Each chapter is a page on the site, and many of the visuals are interactive. To see the original report click [here](#) or visit: [www.molinaTexas1033.blogspot.com](http://www.molinaTexas1033.blogspot.com)

## Chapter 2: What supplies are available?

### TYPES OF PROPERTY AVAILABLE TO LAW ENFORCEMENT AGENCIES THROUGH THE 1033 PROGRAM

There are two types of items an agency can get through the program. The federal office classifies the two as consumable and controlled property.

Consumable items don't need to be modified before given to state and local law enforcement. These items become the agency's property after a year.

Controlled items remain federal property, but agencies are allowed to borrow them for as long as they want. Many controlled items like rifles need to be demilitarized before they are given to the agencies.

#### Types of property available to law enforcement agencies through the 1033 program

Two types of items are available: consumable and controlled property.

Consumable items become the agency's property after a year	Controlled items remain federal property and are often modified before given to an agency
clothes	sights
medical supplies	night vision goggles
construction equipment	holsters
office supplies and furniture	rifle magazines
lawn maintenance supplies	helicopters, aircraft
exercise equipment	boats
electronics: laptops, monitors, cameras	weapons: rifles, pistols, knives, bayonets
vehicles: ATV four-wheelers, cranes, pickup trucks, SUVs	vehicles: cargo and utility trucks, armored and mine-resistant vehicles

Created with [Datawrapper](#)

Source: Defense Logistics Agency Law Enforcement Support Office, [Get the data](#)

**Table 2-1:** Types of property available to law enforcement agencies through the 1033 program

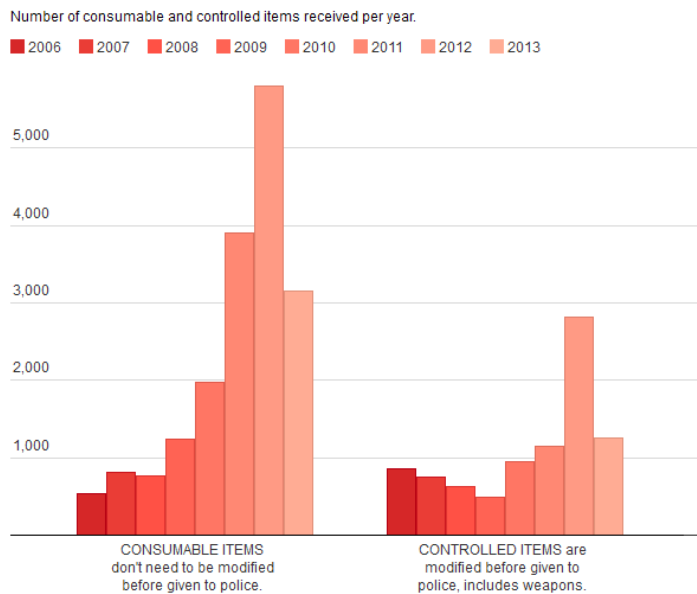
### Chapter 3: How many items have been given?

Between 2006 and 2013, law enforcement agencies received a combined 27, 064 items through the 1033 program. The following figure has two charts in one. Both charts measure the amount of supplies Texas agencies received per year between 2006 and 2013.

The chart on the left shows the number of consumable items, which include clothes and electronics, and the one on the right graphs the number of controlled items, like weapons and armored vehicles, Texas agencies received.

Over the seven-year period, the agencies received a total of 18,185 consumable items and 8,879 controlled items.

#### Equipment given to Texas law enforcement agencies through the 1033 program, 2006-2013



Created with [Datawrapper](#)

Source: Defense Logistics Agency Law Enforcement Support Office, [Get the data](#)

**Figure 3-1:** Equipment given to Texas law enforcement agencies through the 1033 program, 2006-2013

## Chapter 4: More on controlled property

Many of the items below had to be modified or demilitarized before they were given to the agencies. Some of the equipment, like the automatic rifles, was altered to be made less lethal and better suited for civilian law enforcement.

All of these items remain the U.S. Defense Department's property, but agencies are allowed to use them for as long as they want.

### By the numbers: controlled equipment given to Texas law enforcement agencies, 2006-2013

Number	Equipment
2178	M16 rifles
1613	sights
931	M14 rifles
575	pistols
99	knives
93	rifle magazines
79	night vision goggles
55	shotguns
49	holsters
33	face shields
30	body armor
23	helicopters
18	mine-resistant vehicles
11	boats
2	aircraft

Created with [Datawrapper](#) Source: Defense Logistics Agency Law Enforcement Support Office, [Get the data](#)

**Table 4-1:** By the numbers: controlled equipment given to Texas law enforcement agencies, 2006-2013



## **Chapter 5: Who's participating?**

Since 2009, 702 state and local law enforcement agencies have participated in the federal surplus program. The list includes police departments, sheriff and constables' offices and school districts from across the state.

This list doesn't include the numerous federal agencies in Texas who participate in the program. These agencies don't need to report to the 1033 office within the Texas Department of Public Safety like state and local agencies. They deal exclusively with the Defense Logistics Agency, which runs the federal program.

To see the list of every local and state agency that has participated since 2009 you can follow this [link](#), or view it in the attached document. The list was obtained from the Texas Department of Public Safety.

## Chapter 6: How about federal agencies?

### A CLOSER LOOK AT FEDERAL AGENCIES IN TEXAS

The following is a breakdown of the \$62.84 million federal agencies received in consumable items like electronics and office supplies between 2006 and 2013.

#### Total value of consumable items given to federal law enforcement agencies through the 1033 program, 2006-2013

Below is the total amount of consumable items federal agencies in Texas received through the 1033 program.

Show  entries

FEDERAL AGENCY	COUNTY	TOTAL CONSUMABLE ITEMS
FEDERAL BUREAU OF INVESTIGATION, DALLAS	DALLAS COUNTY	\$1,123,551.42
FEDERAL BUREAU OF INVESTIGATION, HOUSTON	HARRIS COUNTY	\$20,568.75
U.S. BORDER PATROL	---	\$47,388,707.25
U.S. BORDER PATROL-EL PASO SECTOR, EL PASO	EL PASO COUNTY	\$6,000.00
U.S. BORDER PATROL-LAREDO SECTOR, HEBBRONVILLE	WEBB COUNTY	\$5,503.30
U.S. CUSTOMS AND BORDER PROTECTION	EL PASO COUNTY	\$255,140.00
U.S. DEPARTMENT OF AGRICULTURE-FOREST SERVICE-LAW ENFORCEMENT AND INVESTIGATIONS, LUFKIN	ANGELINA COUNTY	\$655,260.07
U.S. DEPARTMENT OF HOMELAND SECURITY ICE, LOS FRESNOS	CAMERON COUNTY	\$9,000.00
U.S. DEPARTMENT OF HOMELAND SECURITY, EL PASO	EL PASO COUNTY	\$10,013,314.90
U.S. DEPARTMENT OF HOMELAND SECURITY, HOUSTON	HARRIS COUNTY	\$6,856.00

Showing 1 to 10 of 22 entries

[◀ Previous](#) [Next ▶](#)

**Table 6-1:** Total value of consumable items given to federal law enforcement agencies through the 1033 program, 2006-2013 (1-10)

## Total value of consumable items given to federal law enforcement agencies through the 1033 program, 2006-2013

Below is the total amount of consumable items federal agencies in Texas received through the 1033 program.

Show  entries

FEDERAL AGENCY	COUNTY	TOTAL CONSUMABLE ITEMS
U.S. DEPARTMENT OF HOMELAND SECURITY, LAREDO	WEBB COUNTY	\$54,213.44
U.S. DEPARTMENT OF HOMELAND SECURITY-HOMELAND SECURITY INVESTIGATIONS	---	\$7,542.65
U.S. DEPARTMENT OF JUSTICE-BUREAU OF ALCOHOL, TOBACCO, FIREARMS, EXPLOSIVES, HOUSTON	HARRIS COUNTY	\$47,439.87
U.S. DEPARTMENT OF JUSTICE-DRUG ENFORCEMENT ADMINISTRATION, AUSTIN	TRAVIS COUNTY	\$20,690.97
U.S. DEPARTMENT OF JUSTICE-DRUG ENFORCEMENT ADMINISTRATION, DALLAS	DALLAS COUNTY	\$595,253.51
U.S. DEPARTMENT OF JUSTICE-DRUG ENFORCEMENT ADMINISTRATION, FORT WORTH	TARRANT COUNTY	\$44,515.11
U.S. DEPARTMENT OF JUSTICE-DRUG ENFORCEMENT ADMINISTRATION, HOUSTON	HARRIS COUNTY	\$1,005,246.94
U.S. DEPARTMENT OF JUSTICE-DRUG ENFORCEMENT ADMINISTRATION-AVIATION DIVISION	---	\$30,616.15
U.S. FISH AND WILDLIFE OFFICE OF LAW ENFORCEMENT	TRAVIS COUNTY	\$49,369.53
U.S. FISH AND WILDLIFE, FORT WORTH	TARRANT COUNTY	\$839,128.42

Showing 11 to 20 of 22 entries

◀ Previous Next ▶

Created with [Datawrapper](#)

Source: Defense Logistics Agency Law Enforcement Support Office, [Get the data](#)

**Table 6-2:** Total value of consumable items given to federal law enforcement agencies through the 1033 program, 2006-2013 (11-20)

## Total value of consumable items given to federal law enforcement agencies through the 1033 program, 2006-2013

Below is the total amount of consumable items federal agencies in Texas received through the 1033 program.

Show  entries

FEDERAL AGENCY	COUNTY	TOTAL CONSUMABLE ITEMS
U.S. MARSHALL SERVICE, SAN ANTONIO	BEXAR COUNTY	\$9,229.16
U.S. POSTAL INSPECTION SERVICE	HARRIS COUNTY	\$648,521.69

Showing 21 to 22 of 22 entries

◀ Previous Next ▶

Created with [Datawrapper](#)

Source: Defense Logistics Agency Law Enforcement Support Office, [Get the data](#)

**Table 6-3:** Total value of consumable items given to federal law enforcement agencies through the 1033 program, 2006-2013 (21-22)

## Chapter 7: How much did it all cost?

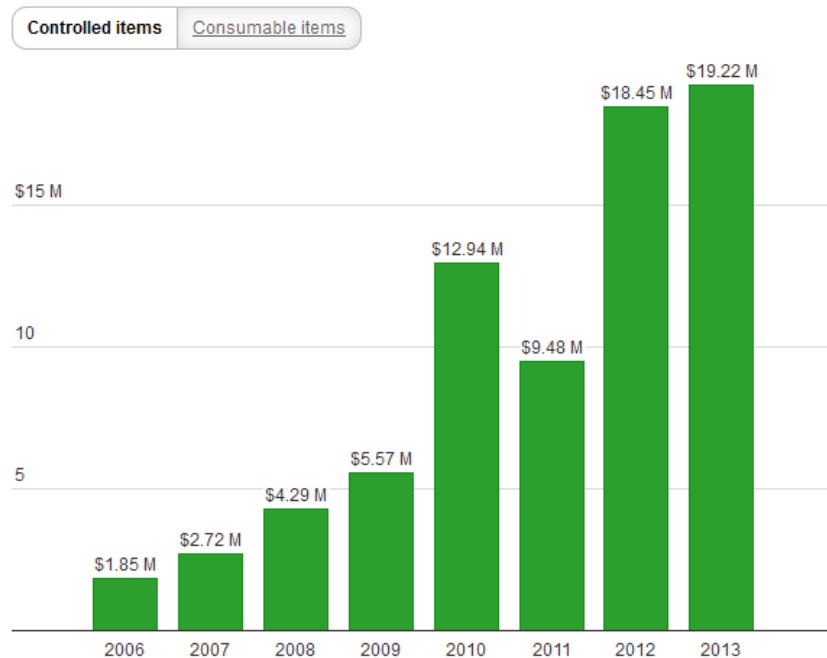
Between 2006 and 2013, federal, state and local law enforcement agencies in Texas received \$181.99 million worth of equipment through the 1033 program.

Agencies received \$107.47 million in consumable items like boots and electronics and \$74.52 million in controlled property like weapons and armored vehicles.

The figures below chart the amount received per year for each property type. Controlled items are graphed in Figure 7-1, and consumable items are shown in Figure 7-2.

### Amount of equipment given to Texas law enforcement agencies, 2006-2013 (in millions)

Total value of consumable and controlled items given to federal, state and local agencies, calculated in millions. Click on the buttons below to see the separate charts.



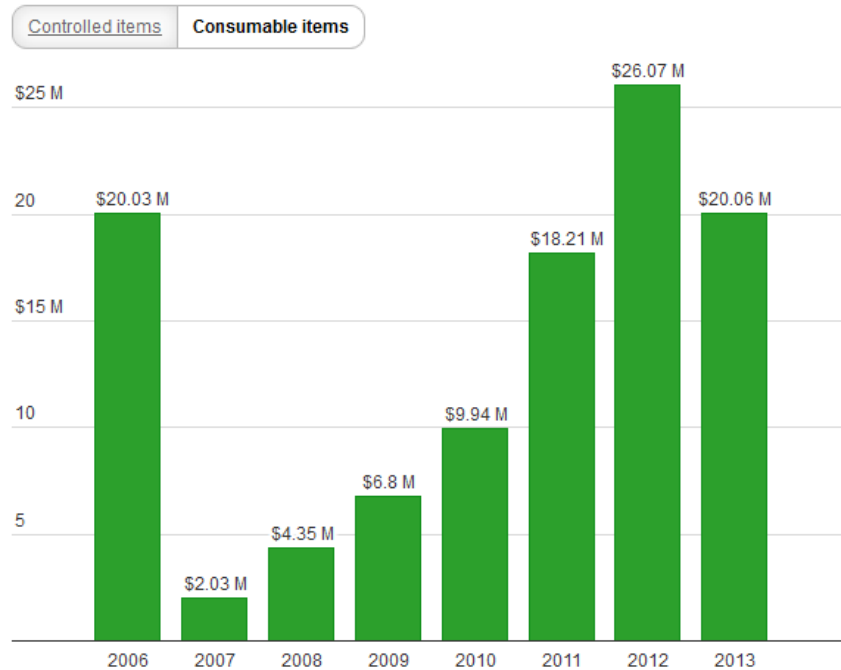
Created with [Datavrapper](#)

Source: Defense Logistics Agency Law Enforcement Support Office, [Get the data](#)

**Figure 7-1:** Amount of equipment given to Texas law enforcement agencies, 2006-2013 (in millions): Controlled items

## Amount of equipment given to Texas law enforcement agencies, 2006-2013 (in millions)

Total value of consumable and controlled items given to federal, state and local agencies, calculated in millions. Click on the buttons below to see the separate charts.



Created with [Datawrapper](#)

Source: Defense Logistics Agency Law Enforcement Support Office, [Get the data](#)

**Figure 7-2:** Amount of equipment given to Texas law enforcement agencies, 2006-2013 (in millions): Consumable items

## **Chapter 8: Map**

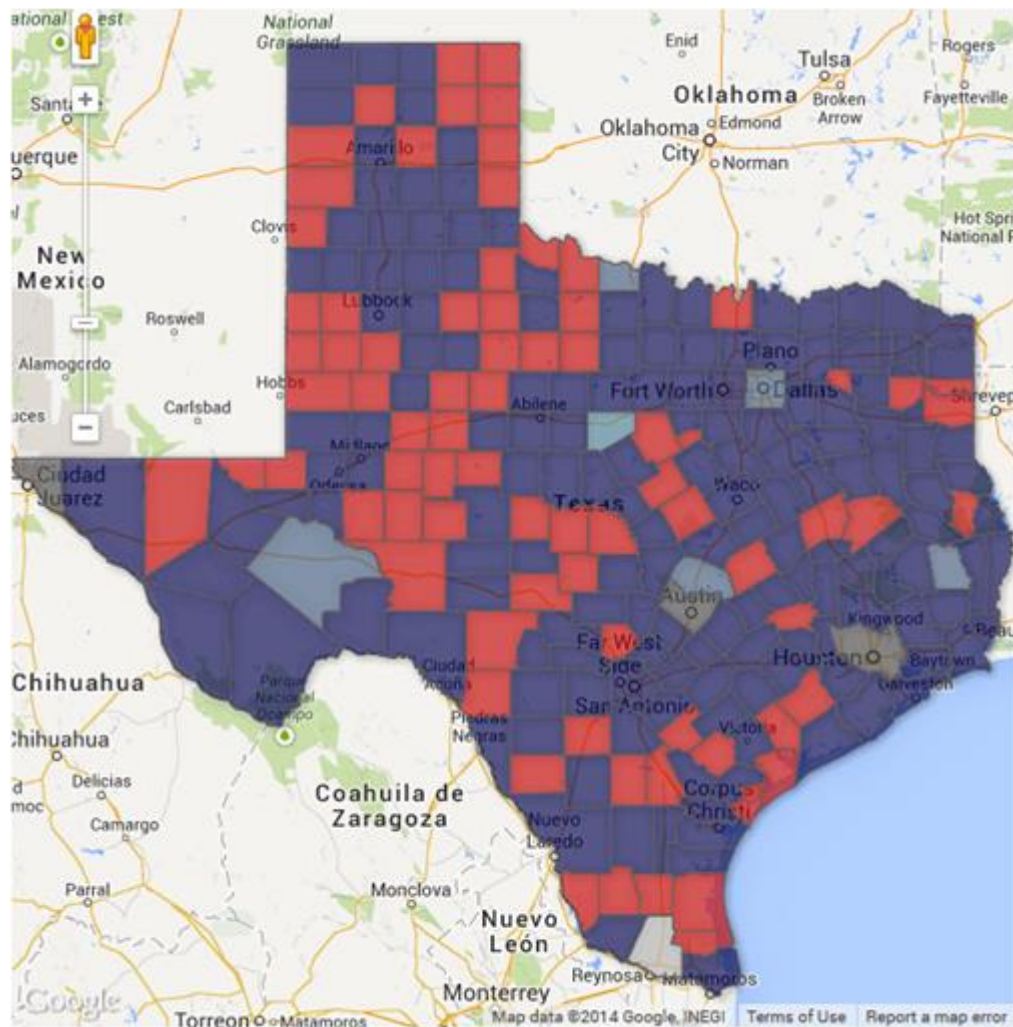
### **TOTAL AMOUNT OF SUPPLIES RECEIVED BY COUNTY, 2006-2013 (IN DOLLARS)**

Between 2006 and 2013, all of the federal, state and local law enforcement agencies in Texas received a combined \$181.99 million in 1033 equipment. The map below charts the distribution by county of \$134.54 million in supplies.

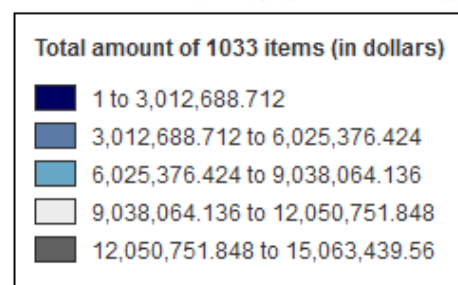
In the online version of this map, you can click on any of the 235 counties to see the total dollar amount of 1033 supplies it received. In each info box, you'll find the total amount of equipment received and the amount divided into the two property types: controlled items like weapons and armored vehicles and consumable items like clothes and electronics. You'll also find the total number of agencies that received consumable supplies.

The map doesn't chart \$47.43 million given to the following agencies with unspecified locations: U.S. Border Patrol \$47.39 million, U.S. Department of Homeland Security Homeland Security Investigations \$7.54 million, U.S. Department of Justice Drug Enforcement Administration Aviation Division \$30,616 and Texas Department of State Health Services \$238.

Counties in red didn't receive any items through the program. Click [here](#) to see the interactive map online.



Data source: Defense Logistics Agency Law Enforcement Support Office



**Illustration 8-1:** Map: Total amount of 1033 supplies received by county, 2006-2013 (in dollars)



## **Chapter 9: Story: How the program's being used**

### **FEDERAL PROGRAM GIVES MILLIONS IN MILITARY EQUIPMENT TO TEXAS POLICE, LAX OVERSIGHT RAISES CONCERNS**

Three years ago, Arturo Fuentes took over as chief of the Fort Stockton Police Department. At the time, the small West Texas city of 8,356 residents was in dire financial straits. Faced with a tight budget and looking for a way to get equipment for his police department, Fuentes enrolled in a federal program that would give him surplus military supplies at little to no cost.

Since 2011, the Fort Stockton police have received \$4.42 million worth of equipment from the U.S. Department of Defense through its 1033 program. This program gives excess Defense Department property to federal, state and local law enforcement agencies. Congress created the surplus program in 1997 to repurpose taxpayer-bought equipment sitting unused in military warehouses.

Fuentes created a Special Weapons and Tactics team, furnished a new control station, built an outdoor shooting range and put working Tasers on the belts of all 26 of his officers— all with 1033 equipment. He even acquired a modular building to replace the almost 100-year-old structure the department currently uses.

“It’s been a blessing,” Fuentes said about the program.

The Fort Stockton Police Department is just one of 13,000 local law enforcement agencies across the country that has participated in the 1033 program. Police and sheriff’s departments receive a wide range of military hand-me-downs, from socks and laptops to M14 rifles and mine-resistant armored vehicles through the program. Agencies only pay the shipping costs, because taxpayers already bought the supplies.

More than \$4.2 billion in excess defense department property has been transferred through the 1033 program since the 1990s. Despite its money-saving mission, the surplus program has fostered waste, invited abuse and contributed to what some call the militarization of the police force.

### **The 1033 program**

The Law Enforcement Support Office within the Defense Logistics Agency runs the 1033 program. The DLA is authorized by the Defense Department to purchase, transfer and resell military supplies. Since 2009, the 1033 program has been a part of a larger division within the DLA that focuses on reutilizing and reselling surplus supplies. This division also oversees the transfer of property between the military branches and the sale of supplies on government liquidation websites.

The 1033 program was intended to provide better equipment to anti-drug and counterterrorism units of law enforcement agencies. After 9/11, the nature of the 1033 program changed. The Defense Department's wartime budget expanded; so did the property surplus and the program.

Through the 2000s, participation in the program grew steadily. In 2012, LESO transferred a record \$546.3 million worth of equipment to law enforcement agencies. Now the state and local agencies taking the most advantage of the program are the smaller ones with tighter budgets and less crime.

In Texas, small police departments serving populations under 10,000 are some of the program's more active participants. Five of the nine agencies to receive more than \$1 million worth of equipment since 2006 are small police departments.

## Texas 1033: The agencies that received the most property ranked by dollar amount, 2006-2013

The following police and sheriff departments received the most consumable items like clothes and electronics between 2006 and 2013. Nine departments got more than \$1 million in supplies.

This list doesn't include controlled items like weapons and armored vehicles.

Agency	County	City	City Population 2012 Estimate	Consumable Item Total
ROUND ROCK POLICE DEPARTMENT	WILLIAMSON COUNTY	ROUND ROCK	99,887	\$3,367,864.98
RISING STAR POLICE DEPARTMENT	EASTLAND COUNTY	RISING STAR	835	\$3,303,225.07
FORT STOCKTON POLICE DEPARTMENT	PECOS COUNTY	FORT STOCKTON	8,344	\$2,979,704.98
TYLER COUNTY SHERIFF'S OFFICE	TYLER COUNTY	WOODVILLE	2,544	\$2,907,211.50
CISCO POLICE DEPARTMENT	EASTLAND COUNTY	CISCO	3,853	\$2,405,569.40
WICHITA COUNTY SHERIFF'S OFFICE	WICHITA COUNTY	WICHITA FALLS	104,552	\$2,374,664.43
HOUSTON POLICE DEPARTMENT	HARRIS COUNTY	HOUSTON	2,161,000	\$1,886,790.50
EL PASO SHERIFF'S OFFICE	EL PASO COUNTY	EL PASO	827,398	\$1,067,997.73
NOCONA POLICE DEPARTMENT	MONTAGUE COUNTY	NOCONA	3,005	\$1,065,926.64
AUSTIN POLICE DEPARTMENT	TRAVIS COUNTY	AUSTIN	842,592	\$893,731.57

Created with [Datawrapper](#)

Source: Defense Logistics Agency Law Enforcement Support Agency, [Get the data](#)

**Table 9-1:** Texas 1033: The agencies that received the most property ranked by dollar amount between, 2006-2013

The fact that smaller police and sheriff departments across the country are receiving a disproportionate amount of the surplus military equipment raises questions about the efficacy of the program: Why does a small police department like Fort Stockton need several million dollars in equipment? Would the equipment be better off in the hands of the military or bigger law enforcement agencies? Is the program contributing to a growing police state?

**How it works**

Any agency with a law enforcement mission and at least one sworn officer on staff who can make arrests is eligible to participate. Officers can screen surplus inventory at warehouses like the one at Fort Sam Houston in San Antonio. They can also search the online LESO database, where they can create a wish list similar to the shopping cart feature on websites like Amazon.com.

Equipment is given on a first-come, first-serve basis. For property in high demand, like weapons and armored vehicles, priority is given to those agencies who submit an anti-drug and terrorism justification letter with their request.

An office of five employees within the Texas Department of Public Safety helps the DLA run the program for the state. The Texas 1033 office acts as a middleman between local and state agencies and LESO in Battle Creek, Michigan. The state processes applications, provides program assistance and training and does annual physical inspections on some agencies to check that the equipment is accounted for and that records are maintained.

**Lacking the resources and manpower**

Though federal and state offices work together to oversee the program, they lack the resources and manpower to adequately manage the multi-billion dollar surplus program.

For the past decade, the federal office used an inefficient IT system that could not keep a running inventory of the Defense Department's own property, much less keep track of the expanding inventories of every law enforcement agency in the program. In its 2012 financial report, the DLA called the database "seriously flawed since its inception in 2005."

That same year, the Government Accountability Office found that the inadequate system contributed to millions in waste because it discouraged reutilization within the military. The database wasn't integrated with the military's supply system, so it kept an incomplete inventory. According to a recent United States Marine Corps report on military reutilization efforts, all branches preferred buying new supplies because it was easier and quicker than ordering items through the DLA's faulty system.

"Ideally, you want to do a wall-to-wall inventory, but with this program you can't," said Debra Smith with LESO. With only 18 employees, the federal office is understaffed and can't do the number of physical inventory inspections a program this size demands.

LESO audits between 10 and 30 agencies per state biennially. The states perform the majority of inspections. The Texas office only inspects 10 percent of the participating agencies, or about 70 departments per year.

Agencies are not supposed to stockpile equipment for future use, nor are they permitted to sell or rent out equipment, especially controlled property such as weapons and tactical vehicles. But these restrictions are hard to enforce when physical inspections are few and far between.

The program relies on an honor system in which agencies self-report that they are following the rules. Every year, agencies submit a list of the controlled property that they received through the program, asserting it is all in their possession. The DLA checks the self-report with its own records to find discrepancies that prompt further inquiry and possible inspections.

## **A cautionary tale**

Lax oversight combined with the DLA's inefficient property management system allowed for some departments to abuse the program. For example, former police chief William Kelcy of Rising Star, Texas —the sole officer in the town of 828 citizens—acquired more than \$4 million worth of equipment between June 2011 and August 2012. The speed at which Kelcy collected the hand-me-downs alerted LESO to possible foul play in the small North Texas town.

In 2013, a federal inspection discovered several items missing from the department, including an M14 rifle. Kelcy was indicted by a federal grand jury in February 2014 for allegedly abusing the 1033 program.

According to one count of the indictment, Kelcy fraudulently acquired items through the program then “gave, sold and bartered equipment to other officers, agencies and private citizens.” The indictment also alleges the former police chief sold a M14 rifle he received on loan through the program in June 2012. If convicted, Kelcy faces a maximum sentence of 20 years in federal prison and a \$500,000 fine.

That same summer, LESO shifted gears to focus on improving oversight to keep tabs on the high-profile weapons and tactical vehicles transferred in 2011. These renewed accountability efforts led to the discovery of abuse in Rising Star and in cities in other states. In response, LESO halted firearm distribution through most of 2013 and temporarily suspended the program in Texas.

In 2012, the federal office doubled its staff and developed a new interactive property management system. The new IT system keeps a real-time inventory for every participating agency and maintains an automated list of the equipment still up for grabs.

LESO also adopted new restrictions on weapon and armored vehicle distribution. The federal office now allocates one firearm per full-time officer and one Humvee, an armored personnel carrier, for every three officers. These new checks-and-balances are intended to curb future abuse and prevent agencies from stockpiling equipment.

### **Trying not to be greedy**

For some of the small police departments that have acquired millions in 1033 equipment, the allegations against former police chief Kelcy serve as a cautionary tale to follow the rules and only request necessary equipment.

Fuentes has taken measures to help him self-police and keep the department from “getting greedy” and “going hog wild.” The chief said he consults with two of his officers when selecting equipment to ensure that they will use the items. Last year, the Fort Stockton Police Department passed a state inspection, and it will undergo a federal audit later this year.

(Click [here](#) to see a table of Fort Stockton Police Department 1033 inventory.)

Fuentes says neighboring departments frequently call asking for his 1033 equipment. They prefer to get larger items like vehicles from Fort Stockton because they save money on shipping. Following the LESO-approved channels, Fuentes transferred some supplies to other agencies. He gave a Humvee to the Odessa Police Department last year.

Jerry Wiekkel, police chief in Cisco, Texas said the program has been “extremely helpful” in providing his small department much-needed supplies. The police department in Cisco—population 3,853—has acquired more than \$2.5 million in 1033 equipment since 2012. Neither the state nor federal offices have inspected the Cisco Police Department.

Wiekel mirrors Fuentes' desire to practice self-restraint and play by the program's rules. "I try not to be greedy. I just try and get what we need," Wiekel said.

The response to Fuentes's use of the program in Fort Stockton has been mostly positive. Naming specific items the department has received like generators and vehicles, Maria Rodriguez, the assistant to the Fort Stockton financial director, said the program has been beneficial to the cash-strapped city.

In both Fort Stockton and Cisco, only a few have criticized the police departments for acquiring millions of dollars' worth of military supplies. Fuentes attributes jealousy to the scant criticism he's received from community members and other agencies. In Cisco, Wiekel says some have made snide remarks about the equipment's "army and navy colors."

Although the program has provided the Fort Stockton police with items they couldn't otherwise afford, Fuentes hasn't been able to cut the department's budget. He now spends part of the budget on regular maintenance, shipping costs and gas money to make the 622-mile round-trip to San Antonio to pick up larger supplies.

Michael Carr with the Rutherford Institute, a Virginia-based civil liberties organization, said police departments get 1033 equipment under the pretense of saving money. "But in the long run, they spend a lot of money maintaining the weaponry they get," Carr said.

### **Funding police militarization**

Not everyone supports the transfer of military supplies to local police departments. Critics of the program, like the Rutherford Institute, are concerned that the increased availability of military-grade weapons and armored vehicles has transformed civilian police departments into paramilitary forces.



Carr said participation in the program encourages police to use the equipment just because they have it. “That’s how you get more and more of these SWAT team raids, which have increased over the last 30 years with the War on Drugs,” Carr said. “There’s a pretty big correlation between the 1033 program, the transfer of military weaponry to the local police, and the rise of these SWAT team raids.”

SWAT teams were created in the 1960s to respond to rare, high-risk incidents—like riots and hostage situations—in which the traditional police response was inadequate. By 2005, about 80 percent of towns with populations between 25,000 and 50,000 had their own SWAT units, according to journalist Radley Balko. The number of call outs SWAT teams conducted also increased. In 1980, there were about 3,000 call outs. Now there are more than 50,000 per year.

In 2004, the Bill Blackwood Law Enforcement Management Institute of Texas at Sam Houston University in Huntsville surveyed 48 local agencies about their SWAT activity. The survey found that “drug raids were the most frequent reason for calls outs.” The tactical teams conducted about 600 drug raids and delivered about 550 warrants in one year. The report concluded, “most teams were not deployed to either diffuse a bomb threat or negotiate with hostage takers.”

Civil liberties organizations, like the Rutherford Institute and the American Civil Liberties Union, and political pundits on all sides have criticized the increasing SWAT deployments. They argue that non-violent crimes don’t warrant a SWAT teams’ military-style response. Many police departments disagree. They think that when responding to a crime, an officer can never be too safe.

SWAT teams spend a majority of their time training to respond to the most dangerous situations. On every call out, SWAT teams bring extra officers and more gear

in their armored vehicles just in case the situation escalates. According to Sergeant Mike Spear of the Austin Police Department SWAT, this kind of overpreparation saves lives.

Fuentes created a SWAT team of his own using the 1033 equipment. Before he equipped and trained his team, the closest tactical unit was 85 miles away.

“If anything were to happen and we needed back up, the closest back up is in Odessa, over two hours away,” Fuentes said.

In the past year, the six-man SWAT team deployed five times in its 1033-issued armored Humvee in joint initiatives with the U.S. Department of Homeland Security and the Pecos Police Department. In the majority of these deployments the multi-agency SWAT unit delivered search warrants. In one recent call out, the Fort Stockton SWAT responded to a standoff.

“Three months ago, we responded to a semi-barricaded individual which ended pretty quickly because of the show of force,” Fuentes said.

### **SWATs for schools**

Since the 1990s, there has been a significant drop in violent crime at both the national and state levels. The FBI classifies violent crime as offenses against a person such as murder, forcible rape, robbery and aggravated assault. Violent crime in the U.S. has dropped 49 percent since it peaked in 1991, according to the FBI national crime report for 2012. Similarly, the violent crime rate in Texas has decreased by 51 percent during the same period.

Because of the decline in violent crime, critics say SWAT proliferation and police militarization is unnecessary. “There doesn’t seem to be any reason for this militarization other than that the Defense Department doesn’t want these items anymore, so they’re gifting them to local police departments,” said Carr, with the Rutherford Institute.

However, even as violent crime has dropped, mass shootings are on the rise. According to a recent report from the Advanced Law Enforcement Rapid Response Training Center at Texas State University in San Marcos, there have been 110 mass shootings in which victims were shot in a public area since 2000.

Local law enforcement agencies, including school police departments, are adopting paramilitary weapons and tactics to respond to active shooters. The 1033 program is supplying some of these departments with weaponry.

In the wake of the Sandy Hook Elementary School shooting in Newton, Conn. in December 2012, the Edinburg Consolidated Independent School District in Hidalgo County acquired more than \$890,000 worth of 1033 equipment since 2012 to beef up its police department and form its own SWAT team.

Edinburg CISD, which has 31,910 students, is one of the only school districts in the country with its own SWAT team. This new unit is the fourth SWAT team within a 12-mile radius of the Edinburg school district.

### **Good intentions, bad tactics**

While efforts to strengthen traditional police departments with SWAT teams are well-intentioned, some in the law enforcement community say these tactical units are not the best response to active shooter events.

During a mass shooting every second counts, and police need to respond quickly. According to Richard Fairburn, law enforcement firearms columnist and training coordinator at the Illinois State Police Academy, SWAT teams take too long to deploy. The median patrol officer response time to an active shooter event is three minutes. It usually takes 45 minutes to an hour for a SWAT team to arrive on scene.

Since patrol cops are more likely to engage active shooters, the researchers at Texas State recommend the officers receive tactical firearm training to prepare for a firefight. They also advise departments to equip their officers with rifles, body armor and ballistic shields, available to them through the 1033 program.

Fairburn said some tactical gear like rifles and armored vehicles has been valuable in the few instances where shots were fired at the police. However, he said the transfer of MRAPs, mine-resistant armored personnel carriers, through the 1033 program has sparked a renewed debate within the law enforcement community about militarization.

“We haven’t really encountered a lot of roadside bombs here in the United States,” Fairburn said. “I don’t think we need those MRAP vehicles.”

Local police departments driving around in their own bomb resistant vehicles have some cops, like Fairburn, asking: “Do you really need these kinds of toys to be running around town?”

### **Still wishing**

In March, Police Chief Arturo Fuentes asked city officials to increase the department’s budget to combat a recent spike in both property and violent crime. The Fort Stockton crime rate has been significantly higher than the state and national averages since 2009.

Now that city’s finances are firmly in the black, Fuentes is ready to start weaning his police department off of the program and rely more on the budget.

There is one “big ticket item” still on his wish list— an MRAP.

## **Vita**

Eva Lorraine Molina is a native Texan. She earned her Bachelor of Arts degree in history at Amherst College in Amherst, Massachusetts. She began her studies at the University of Texas at Austin in 2012 where she pursued a Master of Arts degree in journalism specializing in business and financial reporting.

Permanent email: [eva.lorraine.molina@gmail.com](mailto:eva.lorraine.molina@gmail.com)

This report was typed by the author.